

Recommendation Report for Planning Permission

REF NO: LU/237/15/PL

LOCATION: The White Hart Public House
32 Surrey Street
Littlehampton

PROPOSAL: Removal of old front porch & installation of new front porch, replacement of glazing to 2 No. ground floor front bay windows, 5 No. first floor front Georgian sash windows & 2 No. second floor front dormer windows & installation of former railings to forecourt perimeter. This application affects the character & appearance of the Littlehampton River Road Conservation Area. (Resubmission following LU/306/14/PL.)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed railings would be 1m high and would extend along the site frontage enclosing the whole forecourt area of the pub. The porch would be centralised and would increase in width from 1.4m to 1.8m and the depth would be increased from 1m to 1.35m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mostly boundary walls of brick and brick and flint. Site frontage open with some bollards.
SITE CHARACTERISTICS	Semi detached building. White painted elevations. Slate roof. Existing white painted timber windows.
CHARACTER OF LOCALITY	Town Centre location. River Road Conservation Area abuts the site to the south. Retail/office uses predominate at ground floor level with residential over in two, mainly 3 storey buildings in Terminus Road, High Street and Surrey Street. Predominantly residential in River Road with buildings mainly of 2 storeys. Nearby Listed Buildings include 20 to 24 Surrey Street 32 Surrey Street (Public House) and Nos. 1,4,5,7,8,10 and 12 River Road

RELEVANT SITE HISTORY

LU/306/14/PL	New porch and replacement glazing to front bays. Railings to forecourt perimeter. This application affects the setting of a listed building and the character and appearance of the Littlehampton (River Road) Conservation Area.	Refused 15-12-2014
LU/238/15/L	Application for listed building consent for the removal of old front porch & installation of new front porch, replacement of glazing to 2 No. ground floor front bay windows, 5 No. first floor front Georgian sash windows & 2 No. second floor front dormer windows & installation of former railings to forecourt perimeter.	Refused 16-10-2015

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

WSSC Strategic Planning

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee - Windows should be refurbished and not replaced, repairing as much of the original timber and glass as possible. Comments re porch would like more detailed plans of porch to enable further comments to be made. Suggest an alternative approach would be to have an internal lobby and remove the existing porch with perhaps a small canopy.

Comments on railings - Objection- overpowering and out of keeping. Suggest sides only

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary

Designated Conservation Area

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
AREA2

The Form of New Development
Conservation Areas

[Publication Version of the Local
Plan \(October 2014\):](#)

HER DM3 Conservation Areas
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no policies in Littlehampton Neighbourhood Plan relating to this type of development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact

upon the established character of the surrounding area.

LISTED/CA

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it is considered to materially affect the setting of the Grade II Listed Building and the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application is a resubmission of LU/306/14/PL which included a front porch of similar dimensions, but different design, replacement windows which differed significantly from the existing and railings which are virtually the same as now proposed. The application was refused for the following reason:

'The proposed porch, replacement glazing and railings would constitute an unsympathetic form of development on the sensitive historic character of the building which is Grade II Listed and would neither preserve nor enhance the character and appearance of the Conservation Area in conflict with policies GEN7 and AREA2 of the Arun District Local Plan and policies D DM1, HER SP1, HER DM1 and HER DM3 of the Emerging Local Plan and the National Planning Policy Framework.'

This proposal also has three components. The replacement windows now proposed would match the existing in style, materials and design and there would therefore be no adverse impact on the appearance of the building in terms of its impact on visual amenity and the character of the area. However the application for Listed Building Consent has been refused in relation to the replacement windows in that their replacement, rather than repair, would adversely affect the historic fabric and character of the listed building.

The proposed changes to the porch would increase its size, but would centralise the appearance of the structure on the front elevation. The design of the porch has been amended and is now more in keeping with the appearance of the Listed Building and the appearance of the Conservation Area. It would be of limited dimensions and would not dominate the elevation. This element of the proposal would therefore also be acceptable in terms of its impact on the visual amenities of the locality and character of the area.

However, the railings are little altered from the previous refusal and remain unacceptable. The installation of railings to the forecourt area of the listed building would create a prominent and obtrusive means of enclosure in the street scene and adversely affect the open setting of the building. The extent of the area would not replicate that which historically existed at the site and would look out of place in this open area of street frontage. The railings would heighten the appearance of the building in the street scene and visually segregate it from its setting. Whilst

some form of enclosure may be acceptable the 13.5m length proposed would be overly dominant and would detract from the character and appearance of the Conservation Area where it would be viewed as an alien feature which would not preserve or enhance its historic setting.

The Local Planning Authority is mindful of the requirements of s66(1) and s72 of the Listed Buildings Act 1990 and has identified that harm will result to the heritage asset and considerable weight has been given to this strong presumption against the grant of planning permission and it is considered that there is insufficient justification to warrant approval of the application.

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

REFUSE

- 1 By reason of the design, extent and position of the proposed railings they would damage the setting of a Grade 2 Listed Building and detract from the character and appearance of the Conservation Area by forming a prominent and obtrusive feature in the street scene in conflict with policies AREA2 and GEN7 of the Arun District Local Plan and with the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying

matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.